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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,995	12/14/2001	Stefan Alfons Hepper	DE920000081US1	4982
7590	02/08/2007		EXAMINER	
David Aker 23 Southern Road Hartsdale, NY 10530			LAZARO, DAVID R	
			ART UNIT	PAPER NUMBER
			2155	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/016,995

Applicant(s)

HEPPER ET AL.

Examiner

David Lazaro

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7,9-12 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7,9-12 and 19-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the RCE filed 11/30/2006.
2. Claims 7, 9-12, and 19 were amended.
3. Claims 1-6, 8, 10 and 13-18 are canceled.
4. Claims 20 and 21 are newly added.
5. Claims 7, 9-12 and 19-21 are pending in this office action.

Response to Arguments

6. Applicant's arguments with respect to claim 7, 9-12 and 19-21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 7, 9-12 and 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,651,063 by Vorobiev (Vorobiev).
9. With respect to claim 20, Vorobiev teaches a computer system including at least one content provider for providing content to a user coupled to a portal (Col. 2 lines 57-

Art Unit: 2155

59, Col. 3 lines 23-65, and Col. 6 lines 27-65, said portal being capable of connection to a user, wherein said at least one content provider comprises means for offering a new content to the portal (Col. 2 lines 55-56 and Col. 3 lines 23-65, and Col. 6 lines 27-65), said new content being a new feed or channel, wherein the portal comprises (Col. 3 lines 23-65, Col. 6 lines 27-65, and Col. 7 lines 8-26):

means for comparing credentials of said at least one content provider with stored credentials of registered content providers (Col. 10 lines 11-19);

checking means for the portal to check the new content (Col. 10 lines 25-31: processing station checks information before it is stored in the user data repository; also Col. 7 line 62 - Col. 8 line 35: new content is checked to see if it should be blocked based on the provider and on user preferences);

means for accepting or rejecting said new content of said at least one content provider, based on a determination of said checking means (Col. 10 lines 25-31: information accepted/rejected based on format; Col. 7 line 62 - Col. 8 line 35: new content accepted/rejected base on provider information and user preferences);

a publish service for receiving information from the content provider concerning the new content which the content provider can provide for publication by the portal (Col. 6 lines 26-65: the portal receives new information from a content provider, the portal processes and analyzes the information and general makes the information available to the intended user. The examiner considers this to be within the scope of the "publish service");

a portal content queue for storing the information (Col. 10 lines 25-31:

Processing station would store incoming information in order to verify the format);

a portal content catalogue for storing accepted new content (Col. 7 lines 8-40 and Col. 10 lines 25-31: User Data Repository is acts as a content catalogue for verified information)

a portal configuration in which entire available content of the portal is assembled (Col. 7 lines 8-40 and Col. 8 line 66 - Col. 9 line 14: User Data repository gives access to information in both the quarantine area and the private area);

a portal aggregation for assembling content to be sent to a user in response to a user request to the portal for information from a content provider (Col. 7 lines 8-40 and Col. 9 lines 36-40: the examiner considers the act of accessing the User Data Repository - assembled content - as being a request).

10. With respect to claim 21, Vorobiev further teaches wherein said checking means comprises: administrator means; and a content manager for evaluating the new content based on a decision of said administrator means (Col. 10 lines 25 -31: Processing station verifies content according to the parameters of the system).

11. With respect to claim 7, Vorobiev further teaches wherein evaluation of the new content is performed semi-automatically or fully automatically (Col. 10 lines 25-31).

12. Claim 9 is rejected based on the same logic presented in the rejection of Claim 20 and further noting Col. 2 lines 17-21 and Col. 20 lines 7-13.

13. With respect to claim 11, Vorobiev further teaches the portal comprises a database for registered content provider credentials (Col. 8 lines 23-65).

Art Unit: 2155

14. With respect to Claim 12, Vorobiev further teaches wherein said at least one content provider, the portal and the user are coupled via the Internet (Col. 6 lines 21-26).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vorobiev in view of In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

17. With respect to Claim 19, Vorobiev further teaches registering at least one content provider (Col. 10 lines 10-31).

18. Vorobiev does not explicitly disclose automatically registering. However It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the registering automatic as it has been held that providing an automatic means that replaces a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art (In re Venner).

Conclusion

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

20. U.S. Patent 6,643,663 by Dabney et al. "Method and system for operating a content management system" November 4, 2003. Discloses a content checking and publishing system with checking of new content done automatically or manually by and editor.

21. U.S. Patent 6,728,760 by Fairchild et al. "Optimizing delivery of computer media" April 27, 2004. Discloses notification of new media based on the media matching user preferences.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 2155

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



David Lazaro
February 2, 2007



SALEH NAJJAR
SUPERVISORY PATENT EXAMINER